

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/994,537	12/19/97	HORI	K OKTA-11

PANDISCIO & PANDISCIO
470 TOTTEN POND ROAD
WALTHAM MA 02154

QM31/0218

 EXAMINER

HIRSCH, P

 ART UNIT PAPER NUMBER

3732

DATE MAILED: 02/18/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/994,537	Applicant(s) Hori et al
	Examiner Paul Hirsch	Group Art Unit 3732

Responsive to communication(s) filed on Oct 20, 1998.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-5, 7-9, 11-20, and 22-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 15-19 is/are allowed.

Claim(s) 1-5, 7-9, 20, and 22-35 is/are rejected.

Claim(s) 11-14 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

The previous indication of allowability in the prior Office Action is withdrawn in view of a newly discovered reference.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-5, 7-9, 20 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terwilliger in view of Thompson. Terwilliger teaches movement of a viewing device mounted at one end of a shaft and controlled movement by a flexible cable running in essentially an 8 pattern about mounts support axles and platforms. To the extent that Thompson is not explicit to a camera, to so mount a camera would be obvious from the teaching of Thompson. The routing and support of the cable and video cable is considered an obvious mechanical expedient.

In regard to claims 28-29 spring clutches for maintaining/disengaging drive is considered well known as a means of optional drive provision and accordingly would be an obvious mechanical design expedient.

3. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terwilliger and Thompson as applied to claims 1-5, 7-9, 20, 22-27, 30-32 above, and further in view of Komiya. To the extent that Komiya teaches the movement and control of surgical apparatus at a

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remote end of an endoscope assembly, the alternative mount of a further tool at the end of Terwilliger and Thompson as applied would be obvious in the interest of providing remote and actuation of surgical tools allowing more freedom of use.

4. Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 15-19 are allowed.

6. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

7. B is cited as a teaching of spring tensioning.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Paul Hirsch whose telephone number is (703) 308-0858.

pjh

February 11, 1999